

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**MARY KATHERINE GAYNIER,
Individually, and on behalf of the
Estate of Andrew Scott Decedent,
Plaintiff,**

V.

**ANTONIO HUDSON, a City of
Dallas Police Officer,
Defendant.**

Civil Action No. 3:16-CV-2314-D

ORDER

After making an independent review of the pleadings, files, and records in this case, the November 16, 2017 findings, conclusions, and recommendation of the magistrate judge, and plaintiff's November 30, 2017 response, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted, and defendant's motion to dismiss plaintiff's official capacity claims is granted.

Accordingly, plaintiff's claims against defendant Hudson in his official capacity arising under 42 U.S.C. §§ 1983 and 1985(3) are dismissed with prejudice, leaving only plaintiff's § 1983 claim against defendant Hudson in his individual capacity for the excessive use of force, in violation of the Fourth Amendment.

SO ORDERED.

December 28, 2017.

Sidney A. Fitzwater
SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE